

REMARKS

In response to the Office Action mailed July 6, 2001, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. A marked-up version of the changes is attached hereto. Claim 21 has been amended to more clearly describe the invention. As a result, claims 1-13 and 21-27 are still pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

Rejection of Claims 21-27 Under 35 U.S.C. § 112

The Examiner rejected claims 21-27 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Accordingly, the Applicant has amended claim 21 to more clearly describe the method.

Rejection of Claims 21-27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 21-27 under 35 U.S.C. § 103(a) as being unpatentable over Malucelli et al. The Applicant respectfully traverses the rejection. Column 1, lines 52-53, of Malucelli et al. simply refers to the form of the cellulosic material. The Applicant respectfully submits that it does not refer to a manufacturing method that eliminates a pelletizing step. Moreover, Malucelli et al. does not teach or suggest extruding a composite material through a die without a pelletizing step to form a final shape. Therefore, the Applicant respectfully submits that Malucelli et al. cannot support the rejection of claims 21-27 under 35 U.S.C. § 103(a).

Rejection of Claims 21-27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 21-27 under 35 U.S.C. § 103(a) as being unpatentable over Motegi et al. The Applicant respectfully traverses the rejection. In claim 21, the composite consists essentially of at least one cellulosic filler and at least one polypropylene material. The polypropylene material includes at least one lubricant. The "consisting essentially of" language in claim 21 excludes the use of an appreciable amount of glyoxal. On the other hand, Motegi et al. requires the use of a substantial amount of glyoxal for heat-treating the cellulosic filler. Motegi et al. also teaches a pelletizing step prior to making the final shape. Furthermore, Motegi et al. does not teach or suggest the amount of lubricants or inorganic filler in the composition. As such, Motegi et al. fails to teach or suggest the specific manufacturing method utilizing the specific composition of claims 21-27. Therefore, the Applicant respectfully submits that Motegi et al. cannot support the rejection of claims 21-27 under 35 U.S.C. § 103(a).

Rejection of Claims 21-27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 21-27 under 35 U.S.C. § 103(a) as being obvious over Bistak et al. The Applicant respectfully traverses the rejection. As opposed to the "consisting essentially of" language in claim 21, Bistak et al. requires the use of a significant amount of rubber particles in the composition. In addition, the examples of Bistak et al. do not teach or suggest the use of wax in the amount of the present invention. The Applicant respectfully submits that the disclosure at column 7, lines 43-50, does not motivate one of ordinary skill in the art to extrude a composite having the amount of lubricant identified in claim 21. Bistak et al. identified amounts of wax suitable for its compositions, and such amounts were clearly outside of the range of the

present invention. Therefore, the Applicant respectfully submits that Bistak et al. cannot support a rejection of claims 21-27 under 35 U.S.C. §103.

Rejection of Claims 1-13 and 21-27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-13 and 21-27 under 35 U.S.C. § 103(a) as being obvious over Woodhams. The Applicant respectfully traverses the rejection. Woodhams does not teach or suggest the present invention.

With regard to claims 1-13, it still appears to the Applicant that Woodhams does not teach or suggest the use of process aids, e.g., acrylic modifiers. Furthermore, the Applicant maintains that Woodhams does not teach or suggest the combination (including the various ranges) of ingredients in the specific PVC material of the present invention that enables the manufacture of products exhibiting desired appearance, strength, durability, and flexibility.

With regard to claims 21-27, the Applicant maintains that Woodhams fails to teach or suggest a method which employs the amount of lubricant in the polypropylene material of claims 21-27. The Applicant respectfully submits that the amount of wax identified in Example 1 of the patent is well outside of the range of the present invention. One of ordinary skill in the art is not motivated by the disclosure of Woodhams to significantly alter that amount. Therefore, the Applicant respectfully submits that Woodhams cannot support the rejection of claims 1-13 under 35 U.S.C. § 103(a).

Rejection of Claims 1-13 and 21-27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-13 and 21-27 under 35 U.S.C. § 103(a) as being obvious over Brandt. The Applicant respectfully traverses the rejection. Brandt does not teach or suggest the present invention.

With regard to claims 1-13, the ranges of the cellulosic filler and the PVC material disclosed by Brandt are outside of the ranges of the present invention. The disclosure in column 1, lines 42-50, of Brandt teaches a composition having more cellulosic filler and less thermoplastic material than the present invention. On the other hand, Brandt does not teach or suggest any particular polypropylene compositions, and Brandt does not teach or suggest that polypropylene can be substituted in the particular compositions for PVC or HDPE. Therefore, the Applicant respectfully submits that Brandt cannot support the rejection of claims 1-13 and 21-27 under 35 U.S.C. § 103(a).

Rejection of Claims 1-13 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-13 under 35 U.S.C. § 103(a) as being obvious over Fujita et al. The Applicant respectfully traverses the rejection. Fujita et al. does not teach or suggest the present invention. In particular, Fujita et al. fails to teach or suggest the ranges of the ingredients in the PVC material of the present invention. The present invention is directed to a unique composition that enables the manufacture of products exhibiting desired strength, durability, appearance, and weatherability. Therefore, the Applicant respectfully submits that Fujita et al. cannot support the rejection of claims 1-13 under 35 U.S.C. § 103(a).

CONCLUSION

The Applicant has distinguished claims 1-13 and 21-27 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend the following claim:

21. (amended) A method of manufacturing a cellulosic/polymer product, said method consisting essentially of:

mixing together a composite consisting essentially of:

- (a) at least one cellulosic filler in an amount of about 30% to about 70% by weight of said composite; and
- (c) at least one polypropylene material in an amount of about 30% to about 70% by weight of said composite, said at least one polypropylene material comprised of at least one lubricant in an amount of about 10 to about 20 parts per 100 parts of a polypropylene resin;

transferring said composite to an extruder ~~independent of~~ excluding a pelletizing step; and

extruding said composite through a die to form a final shape.

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